

UNITED STATES DISTRICT COURT

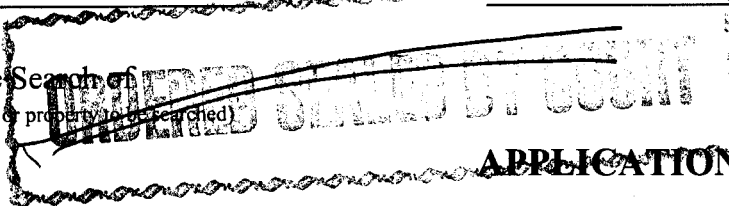
SOUTHERN

DISTRICT OF

CALIFORNIA

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIAIn the Matter of the Search of
(Name, address or brief description of person or property to be searched)**APPLICATION AND AFFIDAVIT**

DEPUTY

864 Orange Avenue
El Centro, California 92243**FOR SEARCH WARRANT**

CASE NUMBER: 06 mg 0024

I, William H. Gamble being duly sworn depose and say:I am a(n) Lead Border Patrol Agent of the U.S. Border Patrol and have reason to believe that on the person of or X on the property or premises known as (name, description and/or location)**SEE ATTACHMENT A**in the SOUTHERN District CALIFORNIA
there is now concealed a certain person or property, namely (describe the person or property to be seized)**SEE ATTACHMENT B**which is: (state one or more bases for search and seizure set forth under Rule 41(b) of the Federal Rules of Criminal Procedure)
Evidence of the commission of a criminal offenseconcerning a violation of Title 8 United States Code, Section(s) 1324

The facts to support a finding of Probable Cause are as follows:

SEE ATTACHED AFFIDAVITContinued on the attached sheet and made a part hereof. Yes No

Signature of Affiant

Sworn to before me, and subscribed in my presence

JAN 04 2006

at San Diego, California

Date

ANTHONY J. BATTAGLIA
U.S. MAGISTRATE JUDGE

Signature of Judicial Officer

Name and Title of Judicial Officer

AFFIDAVIT IN SUPPORT OF APPLICATIONS

I, William H. Gamble, Lead Border Patrol Agent (LBPA), United States Border Patrol (USBP), being duly sworn, depose and state:

A. Training and Experience

1. I have been employed by the USBP since June of 1996 and am currently assigned to the El Centro Station Intelligence Unit. The El Centro Station Intelligence Unit is tasked with gathering intelligence, investigating, arresting, and prosecuting alien smuggling organizations that utilize the Southern District of California as an operational corridor. These investigations are complex criminal investigations of mid- to high-level criminal smuggling organizations.

2. During my career, I have assisted in the targeting of multiple smuggling organizations, which resulted in the issuance of arrest warrants, search warrants, seizure warrants and the indictments/convictions of persons for alien smuggling. These persons include drivers, recruiters, arrangers, document providers, and top-level managers.

3. In the course of my duties, I investigate and prepare for prosecution cases against persons involved in the inducement of illegal entry of undocumented aliens into the United States; the smuggling of undocumented aliens into the United States; the transportation and harboring of undocumented aliens within the United States; and the utilization of illegally-obtained, counterfeit, altered or genuine immigration documents by undocumented aliens to illegally gain entry or remain in the United States.

4. It is my experience, and the experience of many law enforcement officers with whom I have worked and conversed, that a conspiracy to smuggle aliens (and the smuggling of aliens) as well as fraud and misuse of visas, production and transfer of false U.S. identification documents and possession of the same, generates many types of evidence. Examples include passports, altered or fraudulent identification and immigration documents, various forms of United States Government documentation relating to alienage; travel documents; foreign and domestic correspondence relating to alien smuggling arrangements; airline/airfare tickets; lists containing names of associates and arrangers; lists containing names of smuggled aliens along with their destinations and fees paid or to be paid; vehicle registrations of vehicles used in the smuggling and transporting of illegal aliens; financial records; bank statements; telephone records and bills; documents and receipts relating to evidence of temporary lodging of illegal aliens; documents indicating possession, dominion, and/or control of premises; property of

1 smuggled aliens in the form of wallets, purses, suitcases, tote bags, and clothing; utility bills;
2 money orders and money order receipts.

3 **B. Purpose of This Affidavit**

4 5. This affidavit is submitted in support of application for the issuance of a search
5 warrant for the following premise: (1) a single-family residence at 864 Orange Ave., El Centro,
6 California 92243 (more fully described in Attachment A, incorporated herein by reference).
7 Based on the events and information described below, there is probable cause to believe that
8 members of an alien smuggling organization are utilizing the aforementioned residence to harbor
9 smuggled undocumented aliens in violation of 8 U.S.C. Section 1324. In addition, it is believed
10 that probable cause exists to believe that members of an alien smuggling organization are
11 utilizing the aforementioned residence to perpetrate several offenses constituting violations of 18
12 U.S.C. Sections 1546 – Fraud and Misuse of Visa, permits and other documents; 1028 (a) (1) and
13 (c) (1) – Transfer of False United States Identification Documents; 1028 (a) (3) and (c) (1) –
14 Possession of Five or More False United States Identification Documents; 1028 (a) (5) –
15 Possession of Document Making Implements for use in production of False United States
16 Identification Documents; 371 – Conspiracy; and 2 – Aiding and Abetting. A description of
17 items to be seized is set forth in Attachment B, incorporated herein by reference. Because the
18 purpose of this affidavit is merely to provide probable cause for the issuance of search warrants,
19 it does not contain all information developed in connection with the investigation described
20 herein. The information set forth below is based upon my personal observations, my
21 conversations with other law enforcement personnel, my review of reports prepared by myself or
22 other law enforcement personnel, and conversations with other witnesses.

23 **C. Glossary**

24 6. The terms set forth below are widely utilized by law enforcement officers when
25 referring to the duties and/or roles of alien smuggling conspirators and operational sites:

26 a. Sponsors. The relatives, friends, or prospective employers of smuggled
27 aliens who aid by paying the smuggling fees (such a transaction is hereinafter
28 referred to as a “buy-out”).

b. Load houses. Premises utilized to harbor and conceal undocumented aliens
while awaiting further transportation north and/or pending delivery within the
United States.

1. c. Load vehicles. Vehicles utilized to transport undocumented aliens further
2. north within the operational corridor.

3. **D. Summary of Investigation**

4. 7. On January 3, 2006, Agents from the USBP El Centro Station Intelligence
5. Unit were conducting intelligence gathering activities in the El Centro, California west desert
6. area. The intelligence gathering focused on identifying routes of travel used to smuggle
7. undocumented aliens into the United States illegally. Agents successfully followed a load
8. vehicle from the west desert area to a load house in El Centro, California. As described herein,
9. the investigation has identified: (1) a current load house located at 864 Orange Ave., El Centro,
10. California.

11. 8. Described below is a series of events including apprehensions, arrests, and
12. surveillance. Based on these events and information, there is probable cause to believe that
13. members of an alien smuggling organization are utilizing the aforementioned residence to harbor
14. smuggled undocumented aliens in violation of 8 U.S.C. § 1324.

15. 9. In January 3, 2006, Border Patrol Agent Jose Guererro was assigned
16. Remote Video Surveillance Camera duties at the El Centro Border Patrol Station. At
17. approximately 7:35 a.m., Agent Guererro observed a group of five suspected illegal aliens enter
18. the United States illegally by crossing the United States/Mexico international Border afoot.
19. Agent Guererro observed the suspected undocumented aliens walk to Brandenburg Feed Lot
20. located on Brockman Road, south of Highway 98, in El Centro, California. The Brandenburg
21. Feed Lot is located approximately 8.6 miles west of the Calexico west Port of Entry and is 1.6
22. miles directly north of the international border.

23.
24. 10. At approximately 8:47 a.m., Senior Patrol Agent Todd Coover observed a
25. white older model Ford Pick-up truck (hereafter, "Ford Pick-up") arrive at the Brandenburg Feed
26. Lot and proceed to the area where Agent Guerrero observed the suspected undocumented aliens
27. hiding. Agent Coover observed a male driver exit the Ford Pick-up and approximately three
28. suspected undocumented aliens board the rear bed of the Ford Pick-up. Agent Coover observed

1 the male driver walk to the bed of the Ford Pick-up and then enter the driver's side door. Agent
2 Coovert observed the Ford Pick-up depart the Brandenburg Feed Lot and proceed northbound on
3 Highway 98. Customs and Border Protection Aircraft Pilot Joel Limon initiated surveillance of
4 the Ford Pick-up.

5
6 11. At approximately 9:02 a.m., Pilot Lemon observed the Ford Pick-up arrive
7 at a residence, pink in color, located on Orange Avenue in El Centro, California. Pilot Lemon
8 observed the Ford Pick-up enter the rear of the driveway and approximately three subjects exit
9 the rear bed of the vehicle and enter the residence. Shortly afterwards, Agent Coovert observed
10 the same Ford Pick-up bearing Baja, California Mexico license plate BM 28780 parked in the
11 rear of a house, pink in color, located on Orange Avenue. In addition, Agent Coovert observed
12 the numbers "864" clearly affixed to the black wrought iron fence bordering the front of the
13 residence.

14
15 12. At approximately 9:25 a.m., Pilot Lemon observed the Ford Pick-up
16 depart 864 Orange Avenue. Pilot Lemon initiated surveillance on the Ford-Pick-up. Several
17 ground surveillance units maintained visual surveillance at 864 Orange Avenue. Pilot Lemon
18 followed the Ford Pick-up to the Brandenburg Feed Lot where it parked. The Ford Pick-up
19 parked in the same location as the previous encounter on 8:47 a.m. Pilot Lemon observed
20 approximately three suspected undocumented aliens enter the rear bed of the Ford Pick-up and
21 approximately one suspected undocumented alien enter the cab of the vehicle. Pilot Lemon
22 observed the vehicle depart the Brandenburg Feed Lot and travel northbound on Highway 98.
23 Pilot Lemon followed the vehicle to near the intersection of Ross Avenue and Imperial Avenue
24 in El Centro, California where the vehicle came to a stop. Pilot Lemon observed the driver and
25 front seat passenger push the vehicle to the side of the road. Pilot Lemon observed the driver of
26 the Ford Pick-up depart the vehicle on foot and walk to 864 Orange Avenue.

13. At approximately 10:21 a.m., Pilot Lemon observed an older model blue Mini-van (hereafter, "blue Mini-van") depart 864 Orange Avenue. Pilot Lemon initiated surveillance on the blue Mini-van. Pilot Lemon observed the blue Mini-van travel to near the intersection of Ross Avenue and Imperial Avenue in El Centro, California. Pilot Lemon observed the blue Mini-van park behind the Ford-Pick-up. Pilot Lemon observed a passenger in the blue Mini-van exit the vehicle and approach the Ford Pick-up. Pilot Lemon observed several subjects exit the rear bed of the Ford Pick-up and enter the blue Mini-van. Pilot Lemon observed the blue Mini-van depart the area and subsequently followed the vehicle to the rear driveway of 864 Orange Avenue. Pilot Lemon observed the blue Mini-van park and several occupants exit the vehicle and enter 864 Orange Avenue.

14. At approximately 12:30 p.m., Border Patrol Agent William Bova observed the Ford Pick-up arrive at 864 Orange Avenue and enter the driveway. Shortly afterwards, Agent Bova observed the Ford Pick-up exit 864 Orange Avenue. Border Patrol Agent Todd Lachenauer observed three visual occupants in the Ford Pick-up. Ground surveillance units initiated surveillance on the Ford Pick-up. Several surveillance units maintained visual surveillance of 864 Orange Avenue. At approximately 12:55 p.m., Agents conducted a vehicle stop on the Ford Pick-up near the intersection of Cole Road and Kloke Road in Calexico, California. Three undocumented aliens were discovered in the vehicle and were placed under arrest. All three subjects were processed for administrative removal proceedings. During said processing, one of the subjects, identified as Jesus Rogelio GIL-Vilchez, provided statements to Senior Patrol Agents Daniel Castro and Clifford Leyba. GIL stated that he has resided at an alien smuggling load house located at 864 Orange Avenue, El Centro, California for approximately one month. GIL stated that on January 3, 2006, he drove a vehicle to an unspecified area near the United States/Mexico international border and retrieved undocumented aliens. GIL stated that he made two trips that same day and brought the undocumented aliens to 864 Orange Avenue on both occasions. GIL stated that he remains with the undocumented aliens at 864 Orange Avenue until

1 he receives a telephone call from an unidentified subject. Following the telephone call, an
2 unidentified subject arrives at the residence, retrieves the undocumented aliens, and transports
3 them to unknown locations. GIL stated that he earns one hundred dollars per undocumented alien
4 for his driving and care taking duties. GIL stated that at the time of his arrest, nine smuggled
5 undocumented aliens were currently inside the 864 Orange Avenue residence.

6
7 15. At approximately 1:20 p.m., Border Patrol Agent William Bova observed
8 the blue Mini-van depart 864 Orange Avenue. Ground surveillance units initiated surveillance
9 on the blue Mini-van. Two surveillance units maintained visual surveillance of 864 Orange
10 Avenue. The blue Mini-van was followed to a gasoline station located at the intersection of
11 Wake Avenue and Fourth Street in El Centro, California. Agents approached the blue Mini-van
12 and discovered two undocumented aliens inside of the vehicle. Both subjects were placed under
13 arrest. During processing both subjects were determined to be undocumented aliens.

1. **E. Conclusion**

2. 16. Based on the above-described information and observations, I believe
3. there is probable cause to search the following premises for evidence of violations of 8 U.S.C. §
4. 1324, several violations of 18 U.S.C., including Sections 1546 – Fraud and Misuse of Visa,
5. permits and other documents; 1028 (a) (1) and (c) (1) – Transfer of False United States
6. Identification Documents; 1028 (a) (3) and (c) (1) – Possession of Five or More False United
7. States Identification Documents; 1028 (a) (5) – Possession of Document Making Implements for
8. use in production of False United States Identification Documents; 371 – Conspiracy; and 2 –
9. Aiding and Abetting; including all items described in Attachment B: 864 Orange Ave., El
10. Centro, California. It is further requested that this affidavit and the accompanying application
11. and warrant be sealed due to the ongoing criminal investigation.

12. 
13. _____

14. William H. Gamble, Lead Border Patrol Agent
15. U.S. Border Patrol

16. SUBSCRIBED AND SWORN TO

17. BEFORE ME THIS 4th DAY

18. OF JANUARY 2006

19. 
20. _____
21. UNITED STATES MAGISTRATE JUDGE

22. San Diego, California
23.
24.
25.
26.
27.
28.

SH

ATTACHMENT A

The premises at 864 Orange Avenue in El Centro, California and further described as follows:

864 Orange Avenue is a one story, single-family residential unit. The home is pink in color, having white trim with a black wrought iron fence bordering the front of the residence. The target residence is the fourth house east of 10th Street and is situated on the north side Orange Avenue. The numbers "864" are clearly affixed to the fence in front of the residence.



[Handwritten signature]

ATTACHMENT B

- 1. Evidence of fraudulent documentation; passports and U.S. Government documentation evidencing alienage; correspondence, domestic and foreign, evidencing alien-smuggling arrangements; airline/airfare tickets; names of arrangers of alien smuggling; lists containing names of smuggled aliens along with their destination and fees paid or to be paid; registrations of vehicles used in the smuggling and transporting of illegal aliens; financial records and bank statements recording the receipt of money from smuggling, telephone tolls of calls relating to alien-smuggling arrangements, documents and receipts evidencing temporary lodging of illegal aliens; documents showing possession, dominion, and/or control of said premises, including canceled mail, keys, rent receipts, utility bills, deeds, leases and photographs; property of smuggled aliens in the form of wallets, purses, suitcases, tote bags, and clothing; money-orders, and money order receipts as well as U.S. and foreign currency used to pay for alien smuggling.**
- 2. Documents and articles of personal property evidencing the possession, distribution, sale and manufacture of counterfeit U.S. documents, including: ledgers, customer lists, records of counterfeit or genuine document sales, telephone/address books or notebooks containing the names of individuals who have purchased or wish to purchase counterfeit or genuine immigrant documents.**
- 3. Cash or checks or other monetary instruments obtained from the sale of counterfeit or genuine immigration documents, only to the extent that there are actual receipts or proof that the funds are from these illegal activities. Bank accounting, or other financial records which are records of earning or payments relating to the sale of the counterfeit or genuine immigration documents.**
- 4. Counterfeit, genuine or altered immigration or social security documents including counterfeit, genuine or altered Alien Registration Receipts cards including, but not limited to Forms I-551, I-151, I-586, I-186, I-688, I-688A, I-688B and I-94; counterfeit, genuine or altered social security cards; as well as documents and identifications from individual States of the U.S. or other Countries.**
- 5. Equipment, tools and supplies used in the production and manufacture of counterfeit U.S. Immigration documents or counterfeit social security cards, including: photographs, papers, inks, typewriting or typesetting equipment, rubber stamps or seals purporting to be official seals or stamps or insignia of the United States of America or any of its departments or any facsimiles of such seals, stamps, cameras, film, and photographic equipment.**

6. All of the property in #1-5 is evidence of offenses in violation of Title 18, United States Code, Section(s):

1546 - Fraud and Misuse of Visa, permits, and other Documents;

1028(a) (1) and (c) (1) - Production of False United States Identification Documents;

1028 (a) (2) and (c) (1) - Transfer of False United States Identification Documents;

1028 (a) (3) and (c) (1) - Possession of Five or More False United States Identification Documents;

1028 (a) (5) - Possession of Document - Making implements for use in production of False United States Identification Documents

371 - Conspiracy; and

2 - Aiding and Abetting

AND;

Which are evidence of offenses in violation of Title 8, United States Code, Section (s):

1324 (a) (1) (A) (iii) - Concealing Aliens; and

1324 (a) (1) (B) - Illegal Transportation of Alien(s)